

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration.

Claims 11 was rejected under 35 U.S.C. 112, first paragraph, for including the language "means for generating and transmitting configuration parameters for enabling demodulation of the signal." Although the Applicant does not necessarily acquiesce to the rejection, claim 11 was amended to delete the language "for enabling demodulation of the signal." The remaining language was present in claim 11 as originally filed. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 1-5, 11, 14 and 18019 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,257,099 to Morales-Garza. Claim 2 has been canceled. Claims 1, 11 and 14 have been amended to better distinguish from the prior art, and for the following reasons the rejection has been rendered moot.

Regarding amended claim 1, Morales-Garza does not teach "transmitting an identification code and configuration parameters wirelessly through a control channel independent of the signal transmitted through the information channel, *the identification code being assigned to the at least one receiver*" **and** "*in response to receiving the identification code by the at least one receiver, implementing adjustments in the at least one receiver according to configuration parameters to cause the at least one receiver to tune to the information channel,*" as now required. According to the present invention, as set forth on pages 7, line 13 of the specification, "the transmitted configuration parameters are code-enhanced and this code causes a specially addressed receiver 1 to configure according to the configuration parameters." As explained on page 6, line 21 to page 7, line 4, when a user's hearing-aid receiver receives its assigned code and corresponding configuration parameters,

“the hearing aid receiver is automatically tuned to (the appropriate) transmission channel.” Thus, as described and claimed, the “identification code” of claim 1, acts as an access key that permits a receiver to tune to an information channel. In contrast to the claimed invention, there is no teaching in Morales-Garza of a code that is assigned to a receiver, and that such a code causes the receiver to tune to an information channel. Since every limitation of the claim is not taught by the reference, claim 1 and its dependent claims 3-5 are not anticipated by Morales-Garza.

Regarding amended claim 11, Morales-Garza does not teach does not teach “a hearing device including a receiver comprising an antenna,” as now required. Rather, Morales-Garza is directed to a television receiver. Since every limitation of the claim is not taught by the reference, claim 11 is not anticipated by Morales-Garza.

Regarding amended claim 14, Morales-Garza does not teach does not teach “a consecutive mixer to a demodulator to generate demodulated signals based on configuration parameters *that include an identification code assigned to the receiver,*” as now required. Similarly to claim 1, the claimed “identification code” acts as an access key that permits a demodulator to generate demodulated signals based on configuration parameters. In contrast to the claimed invention, there is no teaching in Morales-Garza of a code that is assigned to a receiver, and that such a code causes a demodulator to generate demodulated signals based on configuration parameters *that include the identification code.* Since every limitation of the claim is not taught by the reference, claim 14 and its dependent claims 18 and 19 are not anticipated by Morales-Garza.

Claims 6–10, 12-13, 15, 17 and 20 were rejected under 35 U.S.C. 103(a) over Morales-Garza in view of U.S. Patent No. 5,257,009 to Anderson. For the following reasons, the rejection has been rendered moot by the amendment to claims 1, 11 and 14.

For the above reasons, Morales-Garza does not teach every limitation of claims 1, 11 and 14, from which claims 6-10, 12-13, 15, 17 and 20 depend. Further, neither Morales-Garza nor Anderson suggests the above-identified limitations of which Morales-Garza is deficient. Therefore, since every limitation of the claims would not be taught or suggested by a combination of Morales-Garza and Anderson, claims 6-10, 12-13, 15, 17 and 20 are patentable over the cited references.

Claim 16 was rejected under 35 U.S.C. 103(a) over Morales-Garza in view of WO 97/29550 ("Schotz"). For the following reasons, the rejection has been rendered moot by the amendment to claims 14.

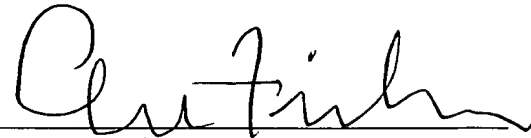
For the above reasons, Morales-Garza does not teach every limitation of claim 14, from which claims 16 depends. Further, neither Morales-Garza nor Schotz suggests the above-identified limitations of which Morales-Garza is deficient. Therefore, since every limitation of the claims would not be taught or suggested by a combination of Morales-Garza and Schotz, claim 16 is patentable over the cited references.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 32978.

Respectfully submitted,

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